IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 492 of 2006

1. Prakash Singh Rana
   S/o Sri Bhawani Singh Rana
   R/o Village Udairampur
   P.S. Kotdwar
   District Pauri Garhwal
2. Pushkar Singh Rana S/o Bhawani Singh Rana
   R/o Village Udairampur Kotdwar
   District Pauri Garhwal ... Applicants

Vs.

1. State of Uttaranchal through Secretary
   Home Affairs, Dehradun
2. Superintendent of Police
   P.S. Kotdwar
   District Pauri Garhwal
3. Deputy Superintendent of Police
   P.S. Kotdwar
   District Pauri Garhwal
4. Sri Prem Singh S/o Chait Singh
   R/o Village Udairampur
   P.S. Kotdwar
   District Pauri Garhwal

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. for quashing proceeding in Criminal Case No. 223 of 2004 in case crime No. 1868 of 2003 State Vs Prakash Singh & another under Sections 452, 504, 506 I.P.C. read with Section 3 (x) of the S.C/S.T. Act pending in the court of C.J.M. Pauri Garhwal.

2. Heard Sri Raman Kumar Shah, learned counsel for the petitioners, learned A.G.A. and perused the record.

3. The material available on record shows that the entire facts and extremely incomplete and hazy more so the evidence has not been concluded or produced before the Court

as yet. Therefore, the issues involved in the case cannot be seen in their true perspective without sufficient material.

4. This Court while exercising the power under Section 482 Cr.P.C. is not suppose to embark upon an enquiry whether the judgment or order passed by the court below is justified on merits or not. Any decision given by this Court would be premature decision.

5. I do not find any abuse of process of court in this case. The petition lacks merits and is dismissed accordingly.

6. However, in case, if the applicants appear before the court concerned for seeking their bail, the court concerned shall expedite the matter.

(B.C. Kandpal, J.)

05.07.2006
ASWAL